

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

June 8, 2004

Agenda ID #3638
Ratesetting

TO: PARTIES OF RECORD IN RULEMAKING 01-10-024

This is the draft decision of Administrative Law Judge (ALJ) Walwyn. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKINAngela K. Minkin, Chief
Administrative Law Judge

ANG:hl2

Attachment

Decision **DRAFT DECISION OF ALJ WALWYN** (Mailed 6/8/2004)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Establish
Policies and Cost Recovery Mechanisms for
Generation Procurement and Renewable
Resource Development.

Rulemaking 01-10-024
(Filed October 25, 2001)

INTERIM OPINION DISMISSING PETITION TO MODIFY DECISION**Discussion**

This decision dismisses without prejudice the Petition to Modify Decision (D.) 04-01-050 filed by Western Power Trading Forum (WPTF) on May 14, 2004 and suspends the filing of responses to the petition. WPTF's petition states that in view of various developments that have occurred since the Commission's January, 2004 decision, it seeks to bring forward the adopted phase-in date for all load serving entities to achieve reserve margin requirements from January 1, 2008 to May 1, 2006. This issue is before the Commission for consideration in its new Rulemaking (R.) 04-04-003 and should be addressed there, consistent with the guidance provided in the Assigned Commissioner's Scoping Memo issued in that proceeding on June 4, 2004.¹

¹ In Section 2.2 of Appendix A of the June 4, 2004 Assigned Commissioner's Scoping Memo in Rulemaking 04-04-003, the utilities are required to quantify the amount of annual reserves for each load forecast scenario in their long-term procurement plans using two assumptions for planning reserve margins. The Accelerated Phase-In assumption requires that full resource adequacy be achieved by June 1, 2006.

Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure.

Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Christine M. Walwyn is the assigned ALJ in this proceeding.

Finding of Fact

The relief requested by petitioner is before the Commission for consideration in R.04-04-003 and it is more appropriate to consider it there.

Conclusion of Law

The petition to modify should be dismissed without prejudice.

INTERIM ORDER

IT IS ORDERED that the Petition to Modify Decision 04-01-050 filed by Western Power Trading Forum on May 14, 2004 is dismissed without prejudice.

This order is effective today.

Dated _____, 2004, at San Francisco, California.